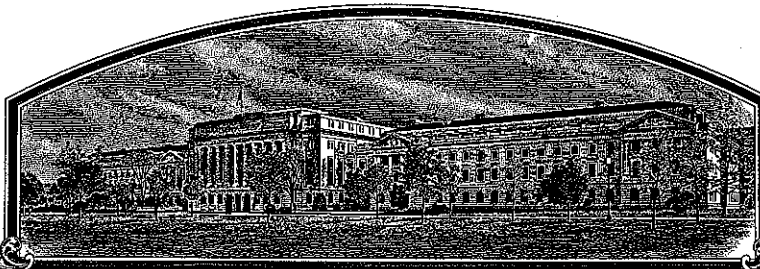


No.

200300049



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Barenbrug USA, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Labarinth'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this sixteenth day of May, in the year two thousand and eight.

Attest:

[Signature]
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

[Signature]
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <p align="center">Barenbrug USA, Inc.</p>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <p align="center">Bar Fa 08PB</p>		3. VARIETY NAME <p align="center">Labarinth</p>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) Barenbrug USA, Inc. 33477 Hwy 99E Tangent, OR 97389		5. TELEPHONE (include area code) <p align="center">541-924-0338</p>		<div style="border: 1px solid black; padding: 5px;"> FOR OFFICIAL USE ONLY PVPO NUMBER <p align="center" style="font-size: 1.2em;">#200300049</p> FILING DATE <p align="center" style="font-size: 1.2em;">12/3/2002</p> </div>	
6. FAX (include area code) <p align="center">541-791-9590</p>		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <p align="center">Corporation</p>			
8. IF INCORPORATED, GIVE STATE OF INCORPORATION <p align="center">OR</p>		9. DATE OF INCORPORATION <p align="center">21 January 1995</p>		<div style="border: 1px solid black; padding: 5px;"> FILING AND EXAMINATION FEES: \$ 2,705.00 DATE 12/3/2002 CERTIFICATION FEE: \$ 768.00 DATE 3/18/2008 </div>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Dr. Joseph K. Wipff, III Barenbrug USA, Inc. West Coast Research Center 36030 Tennessee Rd. Albany, OR 97322					
11. TELEPHONE (include area code) <p align="center">541-924-0338</p>	12. FAX (include area code) <p align="center">541-791-9590</p>	13. E-MAIL <p align="center">jwipff@barusa.com</p>			
14. CROP KIND (Common Name) <p align="center">Tall Fescue</p>	16. FAMILY NAME (Botanical) <p align="center">Poaceae</p>	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.			
15. GENUS AND SPECIES NAME OF CROP <p align="center">Festuca arundinacea Schreber</p>	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23)			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)			
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO USA, 31 July 2002 IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)			
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 		SIGNATURE OF OWNER 			
NAME (Please print or type) <p align="center">Dr. Joseph K. Wipff, III</p>		NAME (Please print or type) <p align="center">Dr. Joseph K. Wipff, III</p>			
CAPACITY OR TITLE <p align="center">Turf and Forage Grass Breeder</p>	DATE <p align="center">5 February 2008</p>	CAPACITY OR TITLE <p align="center">Turf and Forage Grass Breeder</p>		DATE <p align="center">5 February 2008</p>	

(See reverse for instructions and information collection burden statement)

GENERAL INSTRUCTIONS: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

Plant Variety Protection Office
Telephone: (301) 504-5518 **FAX:** (301) 504-5291
General E-mail: PVP@mail.usda.gov
Homepage: <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, Seed Regulatory and Testing Branch, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

USA, Date of Patent: 13 Jan. 2004, Patent No. US 6,677,507 B2

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A

#200300049

Origin and Breeding History

Of

'LABARINTH'

(Bar Fa 08PB)

Tall Fescue

(*Festuca arundinacea* Schreber)

'Labarint' (Bar Fa 08PB) tall fescue (*Festuca arundinacea* Schreber) is rhizomatous, medium green, late maturing, fine leaved, turf-type tall fescue selected from a polycross of a rhizomatous Portugal tall fescue collection with turf type tall fescue varieties.

The maternal parental germplasm of Bar Fa 08PB tall fescue traces its origin to a 26 plant collection made in 1993, in a grazed, unimproved pasture, near the city of Porto, Portugal. The paternal germplasm traces its origin to selections from Barleduc, Austin, Vegas and Phoenix.

Spring-Summer 1993. Twenty-six extremely rhizomatous, very vigorous, tall fescue plants were collected in grazed, unimproved pasture, near Porto, Portugal. At the Barenbrug France Research Station, These 26 plants were planted into a nursery with plants of Barleduc, Austin, Vegas and Phoenix and allowed to inter-pollinate. Only the seed from the rhizomatous collections were harvested. Twenty-four of the 26 plants were harvested separately. The remaining 2 plants did not produce any seeds.

Fall 1993. Seed from each of the 24 lines was used to establish an isolated crossing block for each maternal line of 50 plants each. Each of the 24 blocks was isolated from each other.

Spring-Summer 1994. The 24 isolation blocks were evaluated for rhizome production and vigorous growth. Only 20 lines yielded enough seed to establish a turf trial at Barenbrug France.

1995-1997. The 20 lines were evaluated in turf trials.

1997. Three lines (fg p23, fg p18 and fg p10) were selected for their turf quality and rhizomatous habit. These three lines were planted into a nursery, by mother line, in separate rows of 50 plants each.

1998. Fg p23 was dropped since it flowered so late that it did not nick with fg p18 and fg p10 in flowering. So, only seed of fg p18 and fg p10 was harvested, bulked, and designated as Bar Fa 08PB.

Fall 1998. A several hundred plant space plant nursery was established.

1999. Prior anthesis this nursery was rogued to uniformity, with less than 5% plants removed. The nursery was bulked harvested in the summer of 1999 and designated as breeder seed.

'Labarinth' is stable and uniform. 'Labarinth' has been observed during the seed increase period and from foundation to certified seed to be stable and uniform, with less than 4% variants being observed. The variants are slightly taller and have slightly wider leaves. Variants described have been observed to be uniform and stable.

Statement of Distinctness**'LABARINTH'**

(Bar Fa 08PB)

Tall Fescue

(Festuca arundinacea Schreber)

1. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in flag leaf height (54 vs. 39.39 cm, respectively). See Tables 1 & 2.
2. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in panicle length (24.88 vs. 19.1 cm, respectively). See Tables 1 & 2.
3. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in tiller leaf length (20.03 vs. 14.75 cm, respectively). See Tables 1 & 2.
4. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in number of rhizomes per plant (3.55 vs. 0.25, respectively). See Table 3.
5. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in the percent of plants with rhizomes (92.5 vs. 25.5 %, respectively). See Table 3.
6. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in the number of shoots per rhizomes (2.3 vs. 0.4, respectively). See Table 4.
7. 'Labarinth' is most similar to 'Rebel Jr.'; however 'Labarinth' differs from 'Rebel Jr.' in the average rhizome length (3.13 vs. 0.65 cm, respectively). See Table 4.

#200300049

Table 1. 2001 Mean morphological measurements for entries in a tall fescue space plant nursery. Nursery was established fall of 2000 at the West Coast Research Center, Barenbrug USA, Inc., 36030 Tennessee Rd., Albany, OR.

ENTRY	Flag Leaf Height cm	Flag Leaf Blade Length cm	Flag Leaf Blade Width cm	Panicle Length cm	Heading Day Day	Tiller Leaf Width mm	Tiller Leaf Length cm	First Internode Length cm	Penduncle Length cm	Panicle Height cm	Plant Height cm
1 Bonsai	24.97 f	6.51 e	5.31 c	13.19 f	145.2 ab	6.54 e	9.91 f	12.07 d	42.13 bc	57.13 d	68.23 f
2 Bonanza	42.26 bc	12.34 a	7.1 a	22.47 bc	145.9 a	10.12 a	19.55 ab	19.01 ab	55.23 a	72.54 bc	87.11 cd
3 Labarinth	46.5 b	11.1 a-d	6.4 ab	26.26 a	145.9 a	7.93 cd	17.05 c	16.42 bc	44.54 bc	73.45 bc	99.6 bc
4 Kentucky 31 Endo+	61.22 a	12.16 ab	6.81 ab	23.96 ab	140.5 d	10.42 a	20.26 a	22.77 a	57.51 a	101.9 a	126.81 a
5 Rebel II	40.77 bc	11.7 abc	6.62 ab	20.23 cd	142 cd	9.31 b	17.68 bc	16.81 bc	51.88 ab	77.45 b	97.53 bc
6 Rebel Jr	28.57 ef	9.71 d	6.05 bc	17.09 e	144.1 abc	7.78 d	14.4 de	11.27 d	39.37 c	57.65 d	73.53 ef
7 Shortstop	37.32 cd	10.41 bcd	6.51 ab	19.85 d	144.7 ab	8.57 c	16.55 cd	16.52 bc	49.68 abc	72.87 bc	91.22 bcd
8 Silverdo	32.13 de	10.08 cd	6.67 ab	17.88 de	143.3 bc	7.93 cd	14.21 e	12.92 cd	43.65 bc	67.56 c	83.96 de
9 Torpedo	40.87 bc	12.12 ab	6.06 bc	25.43 a	144.3 ab	7.76 d	18.81 abc	16.63 bc	47.45 abc	71.39 bc	101.28 b
LSD (P=.05)	6.973	1.881	0.942	2.482	2.13	0.697	2.31	4.05	10.586	8.833	12.941
CV	10.22	10.18	8.51	6.92	0.86	4.75	8.09	14.58	12.76	7.04	8.11

Means followed by same letter do not significantly differ (P=.05, LSD)

Table 1. Cont.

Variety	Lemma Length		Lemma Width		Awn Length	1000 Seed Wt.
	mm		mm		mm	mg
1 Bonsai	6.8	b-e	1.4	c	0.8	2000 c
2 Bonanza	6.9	b-e	1.5	ab	0.6	2767 ab
3 Labyrinth	7.5	ab	1.4	bc	0.8	2633 ab
4 Kentucky 31 Endo+	7.3	abc	1.5	a	0.7	3167 a
5 Rebel II	6.9	bcd	1.5	a	0.8	3050 a
6 Rebel Jr	6.2	e	1.4	bc	0.6	2383 bc
7 Shortstop	6.7	cde	1.4	bc	0.7	2350 bc
8 Silverdo	6.5	de	1.5	ab	0.6	2367 bc
9 Torpedo	7.6	a	1.4	bc	1.2	2583 abc
LSD (P=.05)	0.7		0.09			608
CV	5.7		3.4		34.7	13.6

Means followed by same letter do not significantly differ (P=.05, LSD)

Table 2. 2002 Mean morphological measurements for entries in a tall fescue space plant nursery. Nursery was established fall of 2000 at the West Coast Research Center, Barenbrug USA, Inc., 36030 Tennessee Rd., Albany, OR.

VARIETY	Flag Leaf Height	Flag Leaf Blade Length	Flag Leaf Blade Width	Panicle Length	Heading Day	Anthesis Day	Tiller Leaf Width	Tiller Leaf Length	First Internode Length	Peduncle Length	Panicle Height	Plant Height
	cm	cm	mm	cm	Day	Day	mm	cm	cm	cm	cm	cm
1 Bonsai	44.9 d	8.9 c	3.5 c	14.4 d	133 ab	159 b	4.4 de	12.7 c	21.4 b	28.1 ab	74.9 c	105.0 e
2 Bonanza	64.7 b	15.6 a	5.7 a	26.1 a	133 a	158 bc	6.7 a	22.0 ab	27.2 a	24.9 abc	89.7 b	141.4 b
3 Labarinth	61.5 bc	14.6 ab	3.5 c	23.5 b	134 a	164 a	4.2 e	23.0 ab	21.0 b	17.9 c	79.3 c	122.8 cd
4 Kentucky 31 Endo+	80.3 a	12.8 b	5.0 b	24.7 ab	120 d	155 c	6.3 ab	19.6 b	26.4 a	23.4 abc	98.4 a	159.6 a
5 Rebel II	61.4 bc	14.0 ab	4.9 b	20.8 c	129 c	157 bc	5.6 bc	20.1 b	26.8 a	25.4 ab	94.4 ab	130.0 c
6 Rebel Jr	50.0 d	12.8 b	4.8 b	21.1 c	130 bc	157 bc	5.5 bc	15.1 c	20.6 b	28.2 a	79.7 c	124.8 cd
7 Shortstop	52.7 cd	12.9 b	4.7 b	20.6 c	133 ab	158 bc	5.3 cd	21.2 ab	23.6 ab	22.0 abc	77.5 c	124.4 cd
8 Silverdo	47.2 d	13.6 ab	4.6 b	20.2 c	129 c	157 bc	5.1 cd	19.4 b	21.3 b	26.7 ab	73.1 c	118.4 d
9 Torpedo	55.3 bcd	15.4 a	3.6 c	26.6 a	134 a	164 a	4.4 de	24.4 a	20.5 b	21.0 bc	74.1 c	124.7 cd
LSD (P=.05)	10.6	2.4	0.6	2.4	3.3	3.4	0.9	3.8	4.4	7.1	8.6	11.0
CV	10.6	10.2	7.2	6.4	1.5	1.2	9.9	11.1	10.9	17.1	6.0	5.0

Means followed by same letter do not significantly differ (P=.05, LSD)

#200300049

Table 2. Cont.

Variety	Lemma Length	Lemma Width	Awn Length	1000 Seed Wt.
	mm	mm	mm	mg
1 Bonsai	6.3 c	1.3 e	1.1 c	2640 cd
2 Bonanza	7.1 a	1.5 abc	1.2 bc	3027 ab
3 Labarinth	7.1 a	1.4 e	1.9 ab	2373 de
4 Kentucky 31 Endo+	6.9 ab	1.5 ab	0.9 c	2697 a-d
5 Rebel II	6.7 abc	1.5 ab	1.4 abc	3070 a
6 Rebel Jr	6.4 bc	1.4 cde	1.2 bc	2990 abc
7 Shortstop	6.4 bc	1.4 bcd	1.0 c	2663 bcd
8 Silverdo	6.7 abc	1.5 a	0.9 c	2673 bcd
9 Torpedo	7.1 a	1.4 de	2.1 a	2220 e
LSD (P=.05)	0.6	0.07	0.8	383
CV	5.1	2.9	35.8	8.2

Means followed by same letter do not significantly differ (P=.05, LSD)

Table 3. 2001-2002 Rhizomatous Characteristics of Labarinth and other entries in a tall fescue space plant nursery. Nursery was established fall of 2000 at the West Coast Research Center, Barenbrug USA, Inc., 36030 Tennessee Rd., Albany, OR.

		2001		2002	
		Rhizomes per Plant α	Plants with Rhizomes \dagger	Rhizomes per Plant α	Plants with Rhizomes \dagger
Variety	%				%
1 Bonsai	0.1 e	8 e	0.1 c	15 cd	
2 Bonanza	0.9 b	67 b	0.3 c	16 cd	
3 Labarinth	2.3 a	89 a	4.8 a	96 a	
4 Kentucky 31 Endo+	0.7 bc	51 bc	0.7 c	46 bc	
5 Rebel II	0.4 cd	40 cd	0.4 c	31 cd	
6 Rebel Jr	0.4 cd	42 bcd	0.1 c	9 d	
7 Shortstop	0.3 de	22 de	0.2 c	23 cd	
8 Silverdo	0.4 cde	33 cd	0.2 c	8 d	
9 Torpedo	2.7 a	95 a	2.6 b	74 ab	
CV	9.14	18.99	19.07	35	

α Means followed by same letter are not significantly different ($P=.05$) based on LSD value calculated on data subjected to the following square-root transformation; $(n+0.5)^{1/2}$

\dagger Means followed by same letter are not significantly different ($P=.05$) based on LSD value calculated on data subjected to the Arcsine squareroot transformation. Since data was transformed no LSD values are given.

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Table 4. 2001-2002 Rhizomatous Characteristics of Labarinth and other entries in a tall fescue space plant nursery. Nursery was established fall of 2000 at the West Coast Research Center, Barenbrug USA, Inc., 36030

		2001		2002	
		Shoots per Rhizome [†] α	Average Rhizome Length [†] α	Shoots per Rhizome [†] α	Average Rhizome Length [†] α
Variety			cm		cm
1	Bonsai	0.1 e	0.2 e	0.3 c	0.4 c
2	Bonanza	1 c	1.7 b	0.4 bc	0.6 c
3	Labarinth	2.5 b	3 a	2.1 a	6.4 a
4	Kentucky 31 Endo+	0.7 cd	1.4 bc	0.8 b	2.1 b
5	Rebel II	0.5 cde	0.9 cd	0.6 bc	1.0 bc
6	Rebel Jr	0.5 cde	0.9 bcd	0.3 c	0.4 c
7	Shortstop	0.3 de	0.5 de	0.4 bc	1.0 bc
8	Silverdo	0.5 cde	0.7 cde	0.2 c	0.4 c
9	Torpedo	3.9 a	4.1 a	2.0 a	4.4 a
CV		12.05	12.08	13.67	18.5

[†] Data calculated based on all plants with or without rhizomes

α Means followed by same letter are not significantly different ($P=0.05$) based on LSD value calculated on data subjected to the following square-root transformation; $(n+0.5)^{1/2}$. Data transformed will not have LSD values given, only letters to show significance.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

Exhibit C

**OBJECTIVE DESCRIPTION OF VARIETY
Tall and Meadow Fescues (*Festuca* spp.)**

NAME OF APPLICANT (S) Barenbrug USA, Inc.	TEMPORARY OR EXPERIMENTAL DESIGNATION Bar Fa 08PB	VARIETY NAME Labarinth
ADDRESS (Street and No., or RD No., City, State, Zip Code, and Country) Barenbrug USA, Inc. 33477 Hwy 99E Tangent, OR 97389		FOR OFFICIAL USE ONLY PVPO NUMBER #200300049

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal characteristics of this variety in the spaces below. Use leading zeros when necessary (e.g., 089 or 09) when number is either 99 or less or 9 or less. Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Give additional description for all characteristics that cannot be adequately described in the form below. Cultural conditions must be stated in the comment section and plant number/data points shown in all tables. See Table 2.

1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)

9 1 = *F. arundinacea* (Tall)

<u>Turf Types</u>					
1 = Kentucky 31	2 = Rebel	3 = Olympic	4 = Bonanza	5 = Arid	6 = Rebel II
7 = Shortstop	8 = Silverado	9 = Rebel Jr.	10 = Mini Mustang	11 = Crewcut	12 = Bonsai
<u>Forage Types</u>					
20 = Kentucky 31	21 = Martin	22 = Forager	23 = Mozark		
24 = Kenhy	25 = AU Triumph	26 = Fawn	27 = Cajun		

2 2 = *F. pratensis* (Meadow)

30 = Admira	31 = Beaumont	32 = Comtessa	33 = Ensign	34 = Trader
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2. CYTOLOGY:

42 Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

2 Transition Zone 2 West 2 Northeast Other (Specify)

4. MATURITY: (Date First Headed, 10% of Panicle Emergence)

6 Maturity Class 1 = Very Early 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)
6 = Bonanza 7 = Late (Silverado) 8 = Very Late
Date Headed 14 May Location Albany, Oregon
Avg. No. days to heading

4. MATURITY: (continued)

Days Earlier Than		} Comparison Variety
Maturity Same As	6	
4 Days Later Than	5	

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5. MATURE PLANT HEIGHT cm: (Average of 100 culms from crown to top of panicle, if panicle is nodding, straighten)

* INTERNODE LENGTH cm: (First internode subtending the flag leaf)

122.8 cm Height	} Comparison Variety
7.2 cm Shorter Than 5	
Height Same As	
17.8 cm Taller Than 12	

21.4 cm Internode Length	} Comparison Variety
5.8 cm Shorter Than 5	
Length Same As 9	
cm Taller Than	

HEIGHT AT EAR EMERGENCE cm: (Flag leaf height from crown to flag leaf collar)

61.5 cm Height	} Comparison Variety
11.5 cm Shorter Than 9	
Height Same As 5	
16.6 cm Taller Than 12	

6. GROWTH HABIT: (Mature Plants)

7	1 = Prostrate	3 = Semiprostrate	5 = Horizontal
		7 = Semierect (Rebel)	9 = Erect (Mini Mustang)

7. RHIZOMES: (Pseudo) True rhizomes

64.0 mm Length	3	1 = Absent	2 = Rare (Rebel)	3 = Common
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8. LEAF BLADE: (Tiller Leaves/Turf Color)

3 Color	1 = Light Green	3 = Medium Light Green	5 = Green
	7 = Medium Dark Green	9 = Very Dark Green	

7 Specify Rating of Comparison Variety (6)

9 Anthocyanin:	1 = Absent	9 = Present	
1 Basal Hairs:	1 = Absent	9 = Present	
5 Margins:	1 = Absent	5 = Semi-rough	9 = Rough
7 Width Class:	1 = Very Coarse	3 = Coarse	5 = Medium
	7 = Fine	9 = Very Fine	

TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf)

TILLER LEAF WIDTH MM:

23.0 cm Tiller Leaf Length	} Comparison Variety
cm Shorter Than	
Length Same As	
7.9 cm Taller Than 9	

4.2 mm Tiller Leaf Width	} Comparison Variety
2.5 mm Narrower Than 4	
Width Same As	
mm Longer Than	

8. LEAF BLADE: (Continued)

FLAG LEAF LENGTH CM:

* FLAG LEAF WIDTH MM:

1 4 6 cm Flag Leaf Length3 5 mm Flag Leaf Width1 0 cm Shorter Than 41 3 mm Narrower Than 9

Length Same As _____

Width Same As 12 cm Longer Than _____ mm Wider Than _____

Comparison Variety

Comparison Variety

9. LEAF SHEATH: (Basal Portion)9 Anthocyanin (Seedling): 1 = Absent (K31) 9 = Present ()9 Auricle Hairiness: 1 = Absent () 9 = Present ()**10. PANICLE: (At seed maturity except where noted.)**1 Shape: 1 = Narrow-tapering 5 = Ovate 7 = Oblong 9 = Other (Specify) _____1 Type: 1 = Compact (appressed) 5 = Intermediate 7 = Open 9 = Other (Specify) _____9 Orientation: 1 = Nodding 9 = Erect9 Branch Pubescence: 1 = Glabrous 9 = Pubescent1 Anther Color (At Anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
4 = Purplish 5 = Reddish 6 = Other (Specify) _____ Glume Color (At Anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
4 = Purplish 5 = Reddish 6 = Other (Specify) _____2 3 5 cm Panicle Length (From base to tip, if nodding, straighten; after anthesis) cm Shorter Than _____

Length Same As _____

2 4 cm Longer Than 9

Comparison Variety

11. SEED: (With Lemma and Pelea)2633 mg per 1000 seeds417 mm Less Than 5Weight Same As 4633 mm More Than 12

Comparison Variety

Pelea: (Keels or Margins) 1 Hairs: 1 = Absent 5 = Short (Missouri 96) 9 = LongLemma: 1 Hairs: 1 = Absent (Kenhy) 5 = Several 9 = Long (Missouri 96)7 5 mm Lemma Length (Mature) 1 4 mm Lemma Width cm Shorter Than _____Length Same As 1 cm Longer Than _____

Comparison Variety

 mm Narrower Than _____Width Same As 1 mm Wider Than _____

Comparison Variety

16. ADDITIONAL DESCRIPTION: (Use additional sheets as required).

Describe all characteristics that cannot be adequately described in the form above in Exhibit D. Varieties used for comparison should be used as may be appropriate, such as for disease reactions. Append all comparative trial and evaluation data, including measured characters, environmental, and disease tests results. Providing such information may aid in conducting a more thorough review of the applicants claims of distinctness.

#200300049

EXHIBIT D

Additional Description #200300049

'LABARINTH'

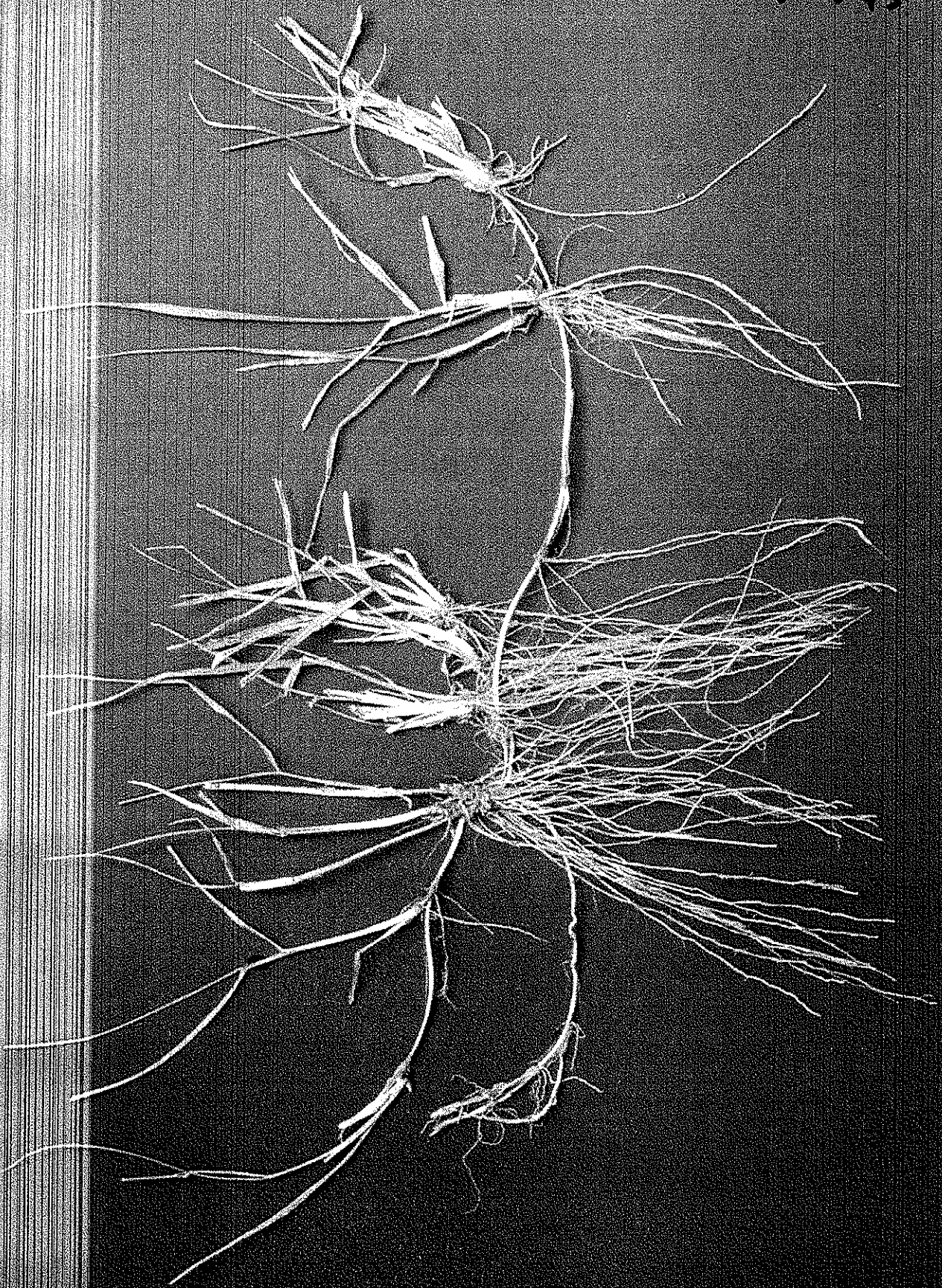
(Bar Fa 08PB)

Tall Fescue

(*Festuca arundinacea* Schreber)

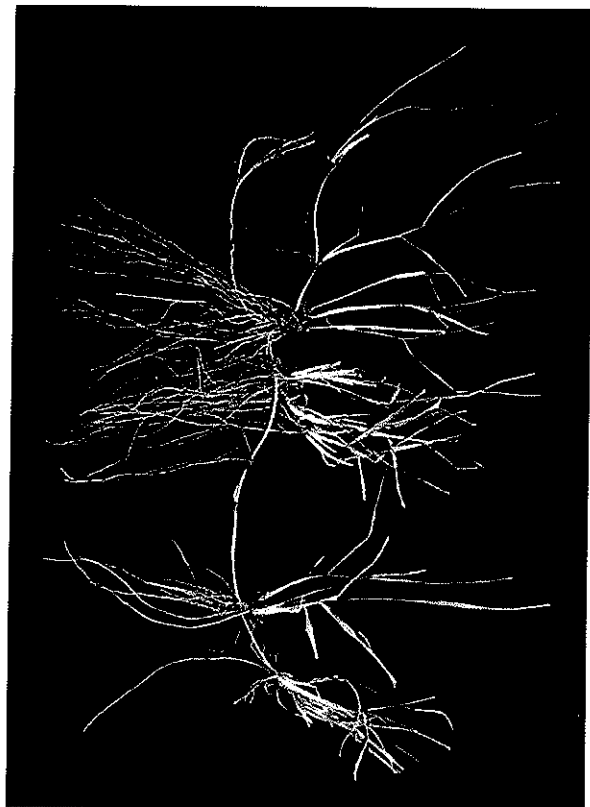
1. See attached photo showing the rhizomatous habit of 'Labarinth'.
2. The spreading rhizomes are useful for growing tall fescue sod and give 'Labarinth' the possibility to fill in open areas in a lawn.
3. 'Labarinth' has applications on sod farms, home lawns, roadsides, athletic fields and other turf areas where tall fescue is adapted.

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Picture 1.



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S) Barenbrug USA, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER Bar Fa 08PB	3. VARIETY NAME Labarinth
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) Barenbrug USA, Inc. 33477 Hwy 99E Tangent, OR 97389	5. TELEPHONE (include area code) (541) 924-0338	6. FAX (include area code) (541) 791-9590
7. PVPO NUMBER 200300049		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The development of 'Labarinth' was directed by Mr. Jacobus de Bruin (a plant breeder employed by Barenbrug) for Barenbrug.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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